

REMARKS

Claims 10-18 are pending in the application. This Amendment amends claims 10, 14 and 15. Claim 10 is independent.

Applicants respectfully request reconsideration in view of the above amendments and the following remarks.

Entry of this Amendment is proper under 37 C.F.R. §1.116 since the Amendment: (a) places the application in condition for allowance (for the reasons discussed herein); (b) does not raise any new issue requiring further search and/or consideration (since the amendments merely correct matters of form); (c) does not present any additional claims without canceling a corresponding number of finally-rejected claims; and (d) places the application in better form for appeal, should an appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to arguments raised in the Final Rejection. Entry of the Amendment is thus respectfully requested.

The claims stand rejected under the cited prior art of record. Specifically, claims 10-18 were rejected under 35 U.S.C. §102(b) as being anticipated by Suzuki (U.S. Patent No. 5,076,306).

Claim 10 of the present application recites a dishwasher having a washing basket and a conduit system connected to the washing basket in an air-guiding manner such that air is guided from the washing basket to the conduit system and air is guided from the conduit system to the washing basket. As recited in claim 10, the conduit system includes a cold side portion and a hot side portion and at least one heat tube having a pair of ends. One of the ends of the heat tube extends into the cold side portion of the conduit system, and the other end of the heat tube extends into the hot side portion of the conduit system. As further recited in claim 10, the conduit system is operable to guide air from the washing basket through the cold side portion, whereupon the one end of the heat tube promotes a cooling of air in the cold side portion of the conduit system with a resultant condensing of moisture out of the cooled air, to thereafter guide cooled air from the cold side portion to the hot side portion, whereupon the other end of the heat tube promotes heating of the air in the hot side portion of the conduit system. Thereafter, the conduit

system guides the heated air from the hot side portion to the washing container. The heat tube operates to conduct heat from its one end extending into the cold portion of the conduit system to its other end extending into the hot portion of the conduit system with the one end of the heat tube receiving heat from air guided therepast at the cold side portion of the conduit system and conducting such received heat to its other end.

It is well settled that in order to support a rejection under 102(b), the Examiner must find each and every limitation of the rejected claim in a single prior art reference. See, e.g., *SSIH Equipment v. U.S. International Trade Commission*, 718 F.2d 365, 377, 218 USPQ 678, 688 (Fed. Cir. 1983) and *Structural Rubber Products v. Park Rubber Company*, 749 F.2d 707, 715, 223 USPQ 1264 (Fed. Cir. 1984). ("The reference must show the identical invention in as complete detail as in the patent claim.") *Richardson v. Suzuki*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As noted above, claim 10 defines a dishwasher including a conduit system with at least one heat tube having a pair of ends, one of the ends of the heat tube extending into the cold side portion of the conduit system and the other end of the heat tube extending into the hot side portion of the conduit system. Suzuki lacks any such heat tube, and the Office Action in fact does not reference a single teaching in the Suzuki patent that even purportedly meets this claimed structure. Applicants thus respectfully submit that the rejection is *per se* misplaced as lacking a proper foundation and failing to identify features in the cited Suzuki patent that purportedly meet each and every feature of the claimed invention.

Suzuki in fact lacks any such heat tube. Suzuki describes that after the last washing cycle is complete and the water is fully drained, the heater 13 and fan 21 are activated. The compartment air is heated by the heater 13, and the air is circulated between a circulating pathway 25 and drying compartment 2 by the fan 21. Outside air is passed into the cooling air pathway 36 by the fan 21. The outside air is drawn into the circuit to act in heat exchange during circulation of the drying air for the purpose of dehumidifying the drying air and increasing drying efficiency. See, for example, col. 4, lines 53-58.

In contrast, the dishwasher defined in claim 10 utilizes a heat tube with one end extending into the cold side portion of the conduit system and another end extending into the hot side portion of the conduit system. The conduit system guides air from the washing basket through the cold side portion, “whereupon the one end of the heat tube promotes a cooling of air in the cold side portion of the conduit system,” and the conduit system guides cooled air from the cold side portion to the hot side portion. With the other end of the at least one heat tube extending into the hot side portion of the conduit system, “the other end of the heat tube promotes heating of the air in the hot side portion of the conduit system.” The conduit system subsequently guides the heated air from the hot side portion to the washing container. The heat tube positioned between the cold side portion and the hot side portion of the conduit system thus serves to initially cool the air from the washing basket in the cold side portion of the conduit system and subsequently heat the air going to the washing basket in the hot side portion of the conduit system. Applicants submit that the Suzuki patent does not include any such structure. As a consequence, Applicants submit that the rejection is misplaced.

Claims 11-18 depend from claim 10 and are allowable for the same reasons and also because they recite additional patentable subject matter. In particular, the dependent claims define additional features of the at least one heat tube, which also are lacking in the Suzuki patent.

Reconsideration and withdrawal of the rejection are respectfully requested.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of Claims 10-18 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

/James E. Howard/

James E. Howard

Registration No. 39,715

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BSH Home Appliances Corporation
100 Bosch Blvd
New Bern, NC 28562
Phone: 252-639-7644
Fax: 714-845-2807
james.howard@bshg.com